

**Task Force on Judicial Candidate Campaign Conduct  
Commission for Impartial Courts**

Judicial Council of California  
JCCC Catalina Room  
455 Golden Gate Avenue  
San Francisco, California, 94102

September 11, 2007  
8:30 a.m. – 11:30 a.m.

**Minutes**

**Members present:** Hon. Douglas Miller (Chair), Ms. Christine Burdick, Mr. Thomas Burke, Hon. Joseph Dunn (by phone), Hon. Richard Fybel, Hon. Michael Garcia, Mr. Dennis Herrera, Ms. Beth Jay, Hon. Ronni MacLaren, Hon. Rodney Melville, Mr. G. Sean Metroka, Hon. James Mize, Professor Mary-Beth Moylan, Mr. James Penrod, Hon. Maria Rivera, Hon. Karen Robinson (steering committee member), Hon. Byron Sher, Mr. Alan Slater and Hon. Nancy Wieben Stock.

**Members absent:** Professor Kathleen Sullivan.

**Staff present:** Mr. Mark Jacobson, Committee Counsel, and Susan O'Brien, Administrative Coordinator.

**Consultant present:** Professor Charles Geyh (by phone)

**1. Discussion of task force logistics and administrative matters.**

*Background:*

The Chair discussed with the members the number of meetings to be held and other administrative matters pertaining to task force meetings, including the timeline for developing a final report to be sent to the Judicial Council.

*Action:*

- The task force will meet a maximum of six times, three times in fiscal year 2007-2008 and three times in fiscal year 2008-2009. If there are working groups, they can meet in lieu of a full task force meeting or by telephone. The dates and locations of the meetings will be determined in the future.
- Task force meetings will be open to the public, with members of the public being permitted to speak at the beginnings of the meetings. Certain meetings, however, may have an executive session component that will be closed to the public.

- Staff will send to task force members information on how to sign up for the Brennan Center's Fair Courts E-lert newsletter and the Justice at Stake Campaign's twice-monthly e-newsletter, Eyes on Justice.

## **2. Identify topics to be addressed by the task force.**

### *Background:*

Task force members attempted to define the scope of the task force's charge by identifying topics within the charge to be addressed. The following topics were identified:

- *White* issues (commit clause, pledges and promises clause, etc.)
- Minimization of disqualification of judges
- Disclosure
- Questionnaires
- Regulating outside influences
- Ethics advice/training
- Compliance with voluntary campaign standards
- Educating the public
- Best practices in judicial election campaigns
- Candidate responses to campaign conduct
- Enforcement and campaign oversight

## **3. Creation of working groups.**

### *Background:*

Task force members discussed the need to split into working groups to address more effectively the task force's charge. The task force decided it would be productive if the committee broke up into three working groups.

### *Action:*

The task force agreed to split into three working groups, as follows:

The *White* Working Group will address issues arising out of *Republican Party of Minnesota v. White* (2002) 536 U.S. 765. Specifically, this working group will discuss whether the California Code of Judicial Ethics should be amended in light of *White* and its progeny.

The Best Practices Working Group will address what types of campaign conduct are permissible and desirable under the canons.

The Oversight/Enforcement Working Group will address issues related to oversight by the Commission on Judicial Performance and the State Bar as well as judicial campaign conduct committees.

The task force agreed that Justice Miller and Mark Jacobson would designate the members of each working group and chairs of the working groups would be determined at a later date. Staff will be responsible for coordinating the meetings of the working groups and will be present at the meetings of all the working groups.

#### **4. Adjournment.**

Judge Miller adjourned the meeting at 11:30 a.m.